

AMENDMENT / RESPONSE TRANSMITTAL


Applicant : Nelson, et al.
App. No. : 10/669,136
Filed : September 23, 2003
For : CONTOURED KNEE BRACE
FRAME
Examiner : Unknown
Art Unit : 3764

CERTIFICATE OF MAILING

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

September 20, 2004

(Date)

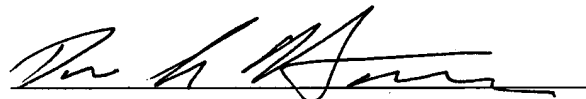

David L. Hauser, Reg. No. 42,643

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing in the above-identified application are the following enclosures:

- (X) Petition to Make Special in 2 pages.
- (X) Attorney's Declaration Supporting Petition to Make Special
- (X) A check in the amount of \$130.00 is enclosed.
- (X) Return prepaid postcard.
- (X) Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.



David L. Hauser
Registration No. 42,643
Attorney of Record
Customer No. 20,995
(949) 760-0404



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Nelson et al.
Appl. No. : 10/669,136
Filed : September 23, 2003
TC/A.U. : 3764
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Examiner : Unknown
Customer No. : 20,995

Group Art Unit Unknown

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September 20, 2004

(Date)

David L. Hauser, Reg. No. 42,643

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. § 1.102 AND M.P.E.P. § 708.02(II)

COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.102 and M.P.E.P. § 708.02(II), Applicant hereby petitions to make the above-captioned application (the "Application") special in order to advance its examination in the Patent and Trademark Office.

Applicant's attorney contends and alleges in the accompanying ATTORNEY'S DECLARATION SUPPORTING PETITION TO MAKE SPECIAL that:

1. There are infringing devices actually on the market;
2. A rigid comparison of the alleged infringing devices with the claims of the Application has been made;
3. In the Applicant's Attorney's opinion, at least some of the claims of the Application are unquestionably infringed;

Appl. No. : 10/669,136
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4. Applicant's Attorney has a good knowledge of the pertinent prior art and has submitted all such prior art to the USPTO.

An Information Disclosure Statement was submitted on November 24, 2003 listing the eighty-eight references which are believed to be most closely related to the subject matter encompassed by the claims of the Application.

A check in the amount of \$130.00 for payment of the fee under 37 C.F.R. § 1.17(h) is enclosed. Please charge any additional fees or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 9/20/04

By: 

David L. Hauser

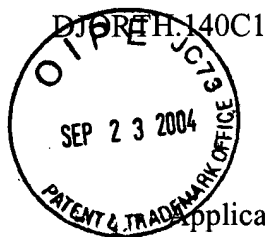
Registration No. 42,643

Attorney of Record

Customer No. 20,995

(949) 760-0404

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Nelson et al.
Appl. No. : 10/669,136
Filed : September 23, 2003
TC/A.U. : 3764
For : CONTOURED KNEE BRACE
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Examiner : Unknown
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Group Art Unit Unknown

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September 20, 2004

(Date)

David L. Hauser, Reg. No. 42,643

**ATTORNEY'S DECLARATION SUPPORTING PETITION TO MAKE SPECIAL
UNDER 37 C.F.R. § 1.102 AND M.P.E.P. § 708.02(II)**

COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I, David L. Hauser, declare as follows:

1. I am an attorney of record in connection with the above-captioned application (the "Application").

2. I believe there are devices actually on the market that would infringe the claims of the Application. An infringing device is shown in the enclosed copy of the brochure from Generation II Orthotics, Inc. describing the "Paradigm" knee brace.

3. I have made a rigid comparison of the allegedly infringing devices with the claims of the Application.

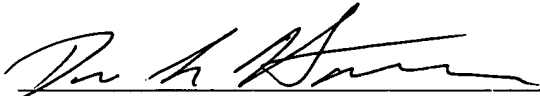
4. In my opinion, at least some of the claims of the Application are unquestionably infringed.

Appl. No. : 10/669,136
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5. I have a good knowledge of the pertinent prior art and I have submitted all such prior art to the USPTO.

I declare that all statements made herein of my own knowledge are true, and that all statements made upon information and belief are believed to be true, and, further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that willful, false statements may jeopardize the validity of the Application, or any patent issuing therefrom.

Dated: 9/20/04

By: 
David L. Hauser

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***GII**

PARADIGM™

CUSTOM CRAFTED

IDEAL COMBINED INSTABILITIES SUPPORT

CRAFTED WITH GII'S RENOWNED CUSTOM PRECISION

1

ADAPTABLE RIGID THIGH SHELL WITH SUB-SHELL ASSEMBLY

- Uniquely designed trim line of shell allows medial clearance for easy fit.
- This low-profile carbon composite Triax shell is both extremely light-weight and strong.
- The small, flexible sub-shell with thigh strap attachment affords exceptional comfort.
- Sliding D-Rings allow the Lower Thigh Strap to settle in the most functional and comfortable position.
- For PCL support, an anterior distal strap can be added.

2

GII POLYCENTRIC HINGES

- Hard anodized aluminum is used for diamond-like toughness.
- Unique GII Bearing System minimizes wear to ensure longevity.
- Protective carbon composite hinge covers are painted to match custom brace colour for a clean, seamless look.
- Hinges are low-profile and smooth for safety and fit under clothes.

COLOURS

- This custom brace is available in most GII Custom Colours. Please see a colour chart for reference.

3

CALF SHELL WITH SUB-SHELL FOR MAXIMUM SUSPENSION AND CONTROL

- The combination of the rigid shell and single sub-shell is the perfect balance of suspension, control and comfort.
- The Calf Sub-shell assembly is custom-molded with semi-rigid Triax™ to provide firm control for anterior translation and hyperextension but the flexibility allows complete tolerance.
- Sliding D-Rings allow the Mid-Strap to settle in the most functional position.
- Perfect calf shell length for use with boots (i.e. work or ski).
- Adjustable ATS Strap allows fine-tuning to regulate tibial control.

RANGE OF MOTION

- Full R.O.M. kit is available so brace may be used post-surgery.

g2orthotics.com

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